

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ZINO DAVIDOFF SA,

Plaintiff,

v.

06 Civ. 15332 (RJS)

CVS CORPORATION,

Defendant.

**DECLARATION OF JAMES WELCH IN SUPPORT OF PLAINTIFF'S MOTION FOR  
CONTEMPT SANCTIONS**

I, James Welch, hereby declare as follows:

1. I am a private investigator employed as an Operations Executive with Grants International Information & Security Services Ltd, which has a principal place of business at 1 Minton Place, Victoria Road, Bicester, Oxon OX26 6QB, The United Kingdom, although I reside in the United States. My work as a private investigator includes purchasing products that are suspected of infringing legitimate manufacturers' trademarks, trade dress and copyrights.

2. I make this declaration based upon my own personal knowledge.

3. In June 2007, I was engaged by Coty Prestige Lancaster Group GmbH ("Coty Prestige") to purchase samples of DAVIDOFF COOL WATER Men's eau de toilette ("DAVIDOFF COOL WATER") from CVS Corporation's ("CVS") stores. Since the entry of the preliminary injunction in this case on June 14, 2007, I have purchased both counterfeit and decoded DAVIDOFF COOL WATER men's EDT 1.35 oz. and 2.5 oz. from CVS stores as summarized below:

a. On June 27, 2007 I purchased one unit of decoded DAVIDOFF COOL WATER men's EDT 1.35 oz. at the CVS store located at 1801 N. Illinois Street, Swansea,

Illinois. True and correct copies of the receipt for this transaction and photographs of the sample purchased are attached as Exhibit A.

b. On June 27, 2007 I purchased one unit of decoded DAVIDOFF COOL WATER men's EDT 1.35 oz. at the CVS store located at 4609 W. Main Street, Belleville, Illinois. True and correct copies of the receipt for this transaction and photographs of the sample purchased are attached as Exhibit B.

c. On July 11, 2007 I purchased one unit of counterfeit DAVIDOFF COOL WATER men's EDT 1.35 oz. (bearing bogus production code 0172395837) at the CVS store located at 206 Glen Cove Avenue, Sea Cliff, New York. True and correct copies of the receipt for this transaction and photographs of the sample purchased are attached as Exhibit C.

d. On July 11, 2007 I purchased one unit of decoded DAVIDOFF COOL WATER men's EDT 1.35 oz. at the CVS store located at 24224 Northern Boulevard, Douglaston, New York. True and correct copies of the receipt for this transaction and photographs of the sample purchased are attached as Exhibit D.

e. On July 11, 2007 I purchased one unit of decoded DAVIDOFF COOL WATER men's EDT 1.35 oz. at the CVS store located at 2030 Hillside Avenue, New Hyde Park, New York. True and correct copies of the receipt for this transaction and photographs of the sample purchased are attached as Exhibit E.

f. On July 11, 2007 I purchased one unit of decoded DAVIDOFF COOL WATER men's EDT 1.35 oz. at the CVS store located at 254 Hillside Avenue, Williston Park, New York. True and correct copies of the receipt for this transaction and photographs of the sample purchased are attached as Exhibit F.

g. On July 11, 2007 I purchased one unit of decoded DAVIDOFF COOL WATER men's EDT 1.35 oz. at the CVS store located at 219-39 89th Avenue, Bellerose, New York. True and correct copies of the receipt for this transaction and photographs of the sample purchased are attached as Exhibit G.

h. On July 11, 2007 I purchased one unit of decoded DAVIDOFF COOL WATER men's EDT 1.35 oz. at the CVS store located at 410 Jericho Turnpike, Mineola, New York. True and correct copies of the receipt for this transaction and photographs of the sample purchased are attached as Exhibit H.

i. On July 12, 2007 I purchased one unit of counterfeit DAVIDOFF COOL WATER men's EDT 1.35 oz. (bearing bogus production code 0172395837) at the CVS store located at 451-461 Bloomfield Avenue, Newark, New Jersey. True and correct copies of the receipt for this transaction and photographs of the sample purchased are attached as Exhibit I.

j. On July 12, 2007 I purchased one unit of decoded DAVIDOFF COOL WATER men's EDT 1.35 oz. at the CVS store located at 505 Allwood Road, Clifton, New Jersey. True and correct copies of the receipt for this transaction and photographs of the sample purchased are attached as Exhibit J.

k. On July 12, 2007 I purchased one unit of decoded DAVIDOFF COOL WATER men's EDT 1.35 oz. at the CVS store located at 275 Chestnut Street, Newark, New Jersey. True and correct copies of the receipt for this transaction and photographs of the sample purchased are attached as Exhibit K.

l. On July 12, 2007 I purchased two units of decoded DAVIDOFF COOL WATER men's EDT 2.5 oz. at the CVS store located at 49 Claremont Avenue, Montclair, New

Jersey. True and correct copies of the receipt for this transaction and photographs of the samples purchased are attached as Exhibit L.

m. On July 19, 2007 I purchased one unit of decoded DAVIDOFF COOL WATER men's EDT 1.35 oz. at the CVS store located at 1701 E. Commercial Boulevard, Fort Lauderdale, Florida. True and correct copies of the receipt for this transaction and photographs of the sample purchased are attached as Exhibit M.

n. On July 20, 2007 I purchased one unit of decoded DAVIDOFF COOL WATER men's EDT 1.35 oz. at the CVS store located at 901 N. Federal Highway, Hollywood, Florida. True and correct copies of the receipt for this transaction and photographs of the sample purchased are attached as Exhibit N.

o. On July 20, 2007 I purchased one unit of decoded DAVIDOFF COOL WATER men's EDT 1.35 oz. at the CVS store located at 1581 W. Lantana Road, Lantana, Florida. True and correct copies of the receipt for this transaction and photographs of the sample purchased are attached as Exhibit O.

p. On October 9, 2007 I purchased one unit of counterfeit DAVIDOFF COOL WATER men's EDT 1.35 oz. (bearing bogus production code 0172395837) at the CVS store located at 251-21 Jamaica Avenue, Bellerose, New York. True and correct copies of the receipt for this transaction and photographs of the sample purchased are attached as Exhibit P.

q. On October 9, 2007 I purchased two units of counterfeit DAVIDOFF COOL WATER men's EDT 1.35 oz. (bearing bogus production code 0172395837) at the CVS store located at 219-39 89<sup>th</sup> Avenue, Bellerose, New York. True and correct copies of the receipt for this transaction and photographs of the samples purchased are attached as Exhibit Q.

r. On October 11, 2007 I purchased one unit of counterfeit DAVIDOFF COOL WATER men's EDT 1.35 oz. (bearing bogus production code 0172395837) at the CVS store located at 4700 Bergenline Avenue, Union City, New Jersey. True and correct copies of the receipt for this transaction and photographs of the sample purchased are attached as Exhibit R.

s. On October 11, 2007 I purchased one unit of decoded DAVIDOFF COOL WATER men's EDT 1.35 oz. at the CVS store located at 1475 Bergen Boulevard, Fort Lee, New Jersey. True and correct copies of the receipt for this transaction and photographs of the sample purchased are attached as Exhibit S.

t. On October 11, 2007 I purchased one unit of counterfeit DAVIDOFF COOL WATER men's EDT 1.35 oz. (with no production code) at the CVS store located at Linwood Shopping Center, Fort Lee, New Jersey. True and correct copies of the receipt for this transaction and photographs of the sample purchased are attached as Exhibit T.

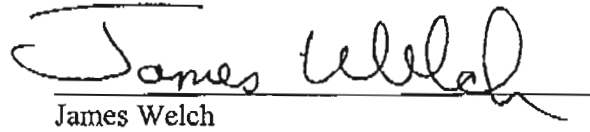
u. On October 11, 2007 I purchased one unit of counterfeit DAVIDOFF COOL WATER men's EDT 1.35 oz. (bearing bogus production code 0172395837) at the CVS store located at 59 Washington Street, Hoboken, New Jersey. True and correct copies of the receipt for this transaction and photographs of the sample purchased are attached as Exhibit U.

4. In total, I purchased 8 counterfeit and 15 decoded DAVIDOFF COOL WATER units at CVS stores since the entry of the preliminary injunction in this case.

5. The document entitled *Purchases of Counterfeit and Decoded DAVIDOFF COOL WATER Fragrance Products from CVS Stores After June 14, 2007*, attached hereto as Exhibit V, includes an accurate summary of my above-described purchases of counterfeit and decoded DAVIDOFF COOL WATER fragrance products at CVS stores after the entry of the preliminary injunction.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date: December 20, 2007

  
James Welch